

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 21, 2009

DIVISION ONE

B200494 People (Not for Publication)
v.
Dion Allen Courtney, et al.

The convictions are affirmed. With respect to Taylor, the sentence on count 3 is vacated and the cause remanded for resentencing on count 3. With respect to Courtney, the sentence is modified as follows: for count 1, the 10-year gang enhancement is stricken and the term of 25 years to life for murder is doubled pursuant to sections 667, subds. (b)-(i) and 1170.12, subds. (a)-(b); for count 2, the term of 15 years to life for attempted murder is doubled pursuant to sections 667, subds. (b)-(i) and 1170.12, subds. (a)-(b); for count 3, the term is modified to be 3 years. In all other respects, the judgments are affirmed.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B203733 Yuen (Not for Publication)
v.
Yuen

The order is affirmed. Allan's request for judicial notice is granted. Respondent Molly H. Yuen shall recover her costs of appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

DIVISION TWO

B203166 People (Not for Publication)
v.
Campos

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

B208712 People (Not for Publication)
v.
Ellis

The Court:

The judgment is affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

B204124 People (Not for Publication)
v.
Smith

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B205906 People (Not for Publication)
v.
Jones, et al.

The judgments are affirmed. On remand, the trial court is directed to correct page one of Jones's abstract of judgment to delete the 15-years-to-life enhancement purportedly imposed under section 186.22, subdivision (b)(5), and to delete on page two the reference indicating that Jones is eligible for parole after 15 years, replacing it with the statement that Jones is not eligible for parole on his sentence for attempted murder before 15 years.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

DIVISION FIVE

B201988 People (Not for Publication)
v.
Mario Rubin

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

B205397 Mayhew (Not for Publication)
v.
Pearl Industries, Inc.

The judgment is affirmed. Costs to Mayhew.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B207380 People (Not for Publication)
v.
Melendez

The judgment (order denying suppression motion) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

B198096 People
 v.
 Metzger

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B201263 Fair Housing Council of San Fernando Valley (Not for Publication)
 v.
 Voleti Properties et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

B205185 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Nancy J. et al.

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
 Zelon, J.

DIVISION SEVEN (continued)

B204650 People (Not for Publication)
v.
Phu

The matter is remanded to the trial court to recalculate the presentence custody credit to which Phu is entitled under Penal Code section 2900.5. In all other respects the orders are affirmed. Following redetermination of Phu's presentence custody credit, the superior court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

B201293 People (Not for Publication)
v.
Vasquez

Vasquez's conviction for assault by means of force likely to produce GBI with a finding that he personally inflicted GBI (count 2) is affirmed. Vasquez's conviction for aggravated mayhem (count 1) is reversed. The cause is remanded to the trial court with directions to vacate Vasquez's sentence, and to conduct such further proceedings consistent with this opinion.

Bigelow, J.

We concur: Flier, Acting P.J.
O'Neill, J. (Assigned)

January 21, 2009 (Continued)

DIVISION EIGHT (continued)

B208441 People (Not for Publication)

V.

Richard Ochotorena

The judgment is affirmed.

O'Neill, J. (Assigned)

We concur: Rubin, Acting P.J.

Bigelow, J.

B209878 People (Not for Publication)

V.

Steven Thornton

The judgment is affirmed.

O'Neill, J. (Assigned)

We concur: Rubin, Acting P.J.

Flier, J.

B205194 People

V.

Fails

Filed order modifying opinion. (No change in the judgment)